

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAN SMITH SOFTBALL,

Plaintiff,

v.

CAYTON DANIEL,

Defendant.

Case No. 20-cv-01661-SVK

**CASE MANAGEMENT ORDER;
ORDER FOR EVALUATION FOR
APPOINTMENT OF PRO BONO
COUNSEL**

On June 9, 2020, the Court held a case management conference in this matter. In accordance with General Order 72-3, the conference was held telephonically as to all parties. Management of this case has been impacted by COVID-19 public health restrictions, Defendant Daniel Cayton's pro se status, and Defendant's use of the U.S. mail to communicate with the Court. Notwithstanding these impediments, Defendant prepared an answer which has been received by Plaintiff but not yet filed with the Court. *See* Dkt. 14-1 ¶¶ 2-3. Defendant also filed a motion for stay. Dkt. 11. Plaintiff opposes the motion, except for a modest stay of the Rule 26(f) conference. Dkt. 14. In response to the parties' filings, the Court issued an order in preparation for the June 9 case management conference. Dkt. 15. As set forth in that order, the following items were addressed at the conference:

I. CONSENT OR DECLINATION NOTICE

Defendant has yet to file a consent or declination notice with this Court. Any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. Defendant is instructed to complete the form and return to the Court by email or by e-filing (see below) no later than **June 19, 2020**. An electronic version of the consent or declination notice may be found here: https://www.cand.uscourts.gov/wp-content/uploads/pro-se/official-court-forms/MJ_Consent-Declination_Form_Jan2014.pdf.

II. ELECTRONIC FILING

To date, Defendant has not signed up for electronic filing (“e-filing”). The Court directs Defendant to the following webpage for guidance on how to set up an e-filing account:

<https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/setting-up-my-account/e-filing-self-registration-instructions-for-pro-se-litigants/>. Once Defendant has e-filing capabilities, he is

instructed to file (1) his answer and (2) his consent or declination notice, in any event not later than **June 19, 2020**.

III. MOTION FOR STAY

With regards to Defendant’s motion to stay (Dkt. 11), the Court **GRANTS** a sixty (60) day stay of the Federal Rules of Civil Procedure 26(f) conference. The remainder of Defendant’s motion is **DENIED** without prejudice.

IV. FEDERAL PRO SE PROGRAM; REFERRAL FOR EVALUATION

The Court again informs Defendant that the Federal Pro Se Program at the San Jose Courthouse provides free information and limited-scope legal advice to pro se litigants in federal civil cases. The Federal Pro Se Program is currently available telephonically during the current public health crisis. The Federal Pro Se Program may be reached by calling (408) 297-1480 Monday to Thursday from 9:00 a.m. to 4:00 p.m. In addition, the Court offers a pro se handbook free of charge; a copy may be downloaded from:

https://cand.uscourts.gov/wpcontent/uploads/2019/12/Pro_Se_Handbook_2020_links.pdf.

Defendant has requested and is in need of counsel to assist him in this matter. Good and just cause appearing, **IT IS ORDERED** that Defendant shall be referred to the Federal Pro Se Program for evaluation as to whether Defendant is eligible and the matter is appropriate for appointment of pro bono counsel for all purposes for the duration of the case. The clerk shall forward the referral order to the San Jose Program office. The Court instructs Defendant to contact the Federal Pro Se Program at (408) 297-1480 to commence the evaluation process.

SO ORDERED.

Dated: June 9, 2020



SUSAN VAN KEULEN
United States Magistrate Judge